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Express Mailing Label No: EL565973534US

PATENT APPLICATION  
Docket No: 14531.79

## DECLARATION, POWER OF ATTORNEY, AND PETITION

We, Steven M. Horowitz, Geoffrey R. Smith, and Peter Potrebic, declare: that we are citizens of the United States of America; that our residences and post office addresses are 1898 Robles Ranch Road, Los Altos, CA 94024; 510 Walker, Apt. 9, Mountain View, California 94043, and 2106 Oat Hill Court, Calistoga, California 94515, respectively; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled "BACKGROUND ENABLED RECORDING IN A SET TOP BOX," for which a patent is sought and which is described and claimed in the specification attached hereto; that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein; and that we acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys and/or patent agents all listed under Customer No. 022913; and DANIEL D. CROUSE, Registration No. 32,022; and KATIE SAKO, Registration No. 32,628, of MICROSOFT CORPORATION, One Microsoft Way, Redmond, Washington 98052; with full power to prosecute this application and to transact all business in the Patent and Trademark

Office connected therewith. All correspondence and telephonic communications should be directed to:

RICK D. NYDEGGER  
WORKMAN, NYDEGGER & SEELEY  
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Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

*Mtn View*  
Signed at ~~San Francisco~~, California this 31 day of January, 2001.

Inventor: *SE M. Horowitz*

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Signed at ~~San Francisco~~, California this 31 day of January, 2001.

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